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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	No. <u>3:13-00079</u>
v.	)	18 U.S.C. § 1347
	)	
JENNY HALL,	)	
a/k/a JENNY UNTERSTEIN	)	

**INFORMATION**

THE UNITED STATES ATTORNEY CHARGES:

At all times material to this information:

Background

1. Beacon Behavioral Consultants ("BBC") was a company based in Mount Juliet, Tennessee that subcontracted with Behavioral Analysts to provide applied behavior analysis ("ABA") services to children and adults with mental, behavioral, or developmental disabilities.
2. Between 2007 and 2010, the defendant, **JENNY HALL** (a/k/a JENNY UNTERSTEIN) was a licensed Behavioral Analyst who subcontracted with BBC.
3. For each client visit at which a Behavioral Analyst provided ABA services, BBC required every Behavioral Analyst to complete a "contact note" specifying the date and times of the visit and summarizing the services performed. BBC required every Behavioral Analyst to have each contact note signed by the client or a caregiver signing on behalf of the client.

4. BBC relied on the contact notes when submitting claims for payment to the health insurance plan or government health program that provided health coverage to each client.

#### Healthcare Benefit Programs

5. The Medicaid Program (“Medicaid”) is a federally subsidized health insurance program under Title XIX of the Social Security Act, which pays for medical assistance for certain disabled persons and those with low income and minimal resources. Medicaid became law in 1965 as a cooperative venture jointly funded by the Federal and State government to assist States in furnishing medical assistance to eligible needy persons.

6. Tennessee’s Medicaid program is referred to as TennCare. It receives approximately 65% of its funding from the Federal government. TennCare services are offered through various managed care organizations that contract with TennCare to provide benefits for TennCare enrollees. TennCare enrollees in need of behavioral health or mental health services receive those services in a coordinated manner through one of the managed care organizations that contract with TennCare or with a TennCare contractor (“TennCare managed care organizations”).

7. Medicaid and TennCare each qualify as a federal “health care benefit program,” as defined by Title 18, United States Code, Section 24(b), in that each of these programs is a public plan, affecting commerce, under which medical benefits, items, and services are provided to certain individuals.

### Scheme to Defraud

8. Between November 2009 and March 2010, JENNY HALL, acting as a sub-contractor for BBC, failed to attend approximately 115 scheduled appointments with 18 BBC clients, and failed to provide ABA services to those clients, each of whom received benefits as a TennCare enrollee.

9. Between November 2009 and March 2010, JENNY HALL, acting as a sub-contractor for BBC, created false and fraudulent contact notes summarizing ABA services that were not provided for approximately 18 BBC clients. On each of approximately 115 contact notes, JENNY HALL forged the signature of the client, the client's caregiver, or another staff member.

10. BBC relied on the false information contained in the contact notes provided by JENNY HALL and submitted claims in excess of \$17,048 to TennCare managed care organizations for payment of ABA services that had not been provided.

11. JENNY HALL knew that BBC would rely on the false and fraudulent contact notes to submit claims to TennCare managed care organizations for payment.

12. Between November 6, 2009 and March 29, 2010, JENNY HALL received payments from BBC in excess of \$13,095 for client visits and ABA services that were never performed.

13. From on or about the November 6, 2009 until on or about March 29, 2010, in the Middle District of Tennessee, the defendant, **JENNY HALL**, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud one or more health

care benefit programs as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services.

In violation of Title 18, United States Code, Section 1347.

### **FORFEITURE ALLEGATION**

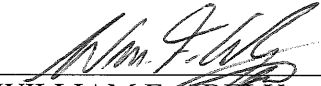
THE UNITED STATES ATTORNEY FURTHER CHARGES:

1. The allegations contained in this Information are re-alleged and incorporated by reference as if fully set forth in support of this forfeiture.
2. Upon conviction of the offenses alleged in Count One, **JENNY HALL** shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7):
  - (a) Any property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the violations set forth in Count One, including but not limited to:
    - (i) Money Judgment: of at least \$13,095, United States currency, representing the amount of gross profits or other proceeds obtained as a result of the fraud scheme alleged herein.
3. The United States shall be entitled to forfeiture of substitute property, and it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code Section, 982(b)(1), to seek forfeiture of any other property of defendant JENNY HALL up to the value of said property listed above as subject to forfeiture if any of the property described above, as a result of any act or omission of the defendant JENNY HALL:
  - a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty.



DAVID RIVERA  
ACTING UNITED STATES ATTORNEY



WILLIAM F. ABELY  
ASSISTANT UNITED STATES ATTORNEY